

victim

A Newsletter to Advance Rights & Services for Crime Victims in Massachusetts

IMPACT

Volume 3, No. 1

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VOCA Update

Massachusetts Receives \$2 Million to Serve September 11 Victims

By Lynne Williams

The renewal process for current VOCA recipients is in full swing. Renewal applications were due back March 15 and are currently being reviewed. Decisions on renewal awards will be announced at the May 7 Victim and Witness Assistance Board (VWAB) meet

ing, and these will go into effect July 1, 2002.

Just as the renewal process for VOCA recipients got underway, MOVA learned that the Office for Victims of Crime (OVC) had granted our request for supplemental funding for programs serving Massachusetts victims of September 11. Nearly six months passed after the attacks before MOVA could assure programs that funding was certain. In the interim, programs rose to the challenge to serve the more than 150 Massachusetts families who were in need of immediate services, without any promise of compensation.

Throughout the past six months, a number of individuals have been strenuously advocating for the victims and their providers in the effort to secure

funding. Stefanie Seldin, MOVA's Policy Analyst, obtained the support of the Massachusetts Congressional Delegation, and all members of the Delegation signed letters to Congressional Appropriators and to OVC conveying the Commonwealth's needs. Senators Edward Kennedy and John Kerry and Congressmen Marty Meehan and John Olver were our primary advocates toward this end, contacting John Gillis, the Director of OVC, to discuss the importance of this funding. Brenda Noel, VOCA Program Manager, worked closely with our colleagues at OVC, submitting multiple revised grant applications as Congress and the Justice Department finalized the legislation and regulations that made the funding possible.

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Victim and Witness Assistance Board

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Victim IMPACT

is a quarterly newsletter to advance rights and services for crime victims and to promote greater awareness about the impact of victimization on the individual and the community. It is published by the Massachusetts Office for Victim Assistance (MOVA) and the Victim and Witness Assistance Board, and is distributed free of charge to the victim rights community. We welcome submissions and article ideas from crime victims and survivors, service providers, criminal justice professionals, and the general public. The "Victim Voices" feature is intended to be a forum for victims and survivors to describe their personal experiences of victimization or the emotional impact of being a crime victim. In some articles, names and identifying information may be changed to ensure the confidentiality of victims. MOVA reserves the right to edit all submissions. No financial compensation is provided for the publication of articles or stories. We encourage the reproduction of any articles contained in this newsletter, provided that proper attribution is given to both MOVA and the author.

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Cover images photos from MOVA's "September 11 Response Training: Entitlement Program Update and Voices from the Field" are by Danielle Arcidiacono.

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A Message from the Director

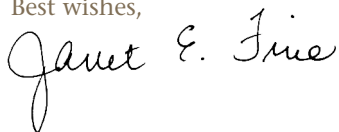
I welcome this opportunity to address you for the first time as the new Executive Director of the Massachusetts Office for Victim Assistance. It is an honor to serve in this new capacity, together with a dedicated and talented staff. I come to this position from almost twenty years of work in Victim Witness Assistance Programs in District Attorney's Offices, first in Middlesex County, and most recently, for the past nine years as Chief of the Victim Witness Assistance Program in Suffolk County.

I have worked directly with countless victims of violence and their loved ones over the years—they have served as my greatest teachers and remain ongoing sources of inspiration and strength. I have also had the pleasure of working with numerous Victim Witness Advocates and many other colleagues from other disciplines and agencies who have made this their life's work—they are individuals who have dedicated themselves to ensuring that victims, witnesses, and their families are guided on their path to recovery and are provided critical rights and services. What almost all of them have in common, I believe, is a deep sense of being forever changed and inspired by the survivors with whom they have worked, and by the profound humanity that exists in the world despite a constant barrage of "man's inhumanity to man". This is what fuels my desire to do all I can individually and collectively to advance victim rights and support critical and innovative services.

It was difficult to leave a job and colleagues I held dear and which made my life richer. I have come to realize, however, that it is my professional and life experiences, and the many gratifying relationships I have developed along the way, that have motivated me to take on this next challenge in leadership at MOVA and in the broader victim rights community.

I look forward to working with you — to continuing existing collaborative relationships and building new ones. Thank you for all of your contributions and enormous commitment to this work.

Best wishes,

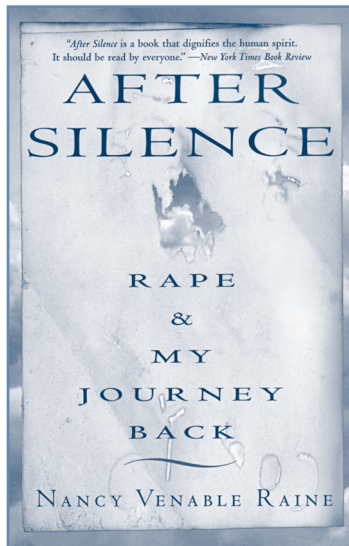


Janet E. Fine

After Silence: Rape and My Journey Back

Written by Nancy Venable Raine

Reviewed by Nathalie Saltikoff



On October 11, 1985, Nancy Venable Raine stepped outside of her new apartment for a moment to take out the trash, leaving the door open behind her. While she was outside, a man entered her home and later caught her by surprise as she was washing the dishes. This man raped and tortured Raine for over three hours, repeatedly telling her to “shut up” and threatening to kill her. After the rapist fled, Raine went to the emergency room for medical help, where she describes becoming “the scene of the crime.”

Raine writes, “The rapist had stolen something at the center of what I had known as myself....The rapist himself might be caught, but he could never produce the woman who had not been raped.” *After Silence* is the story of Raine’s journey to reclaim that woman. It is also her struggle to break the silence that her rapist commanded, and that society encouraged. Rape has long been a silent crime, a dark secret that few

terror, as well as periods of re-experiencing the trauma in the form of nightmares, flashbacks, or intrusive thoughts. Using her own reactions, Raine details how post-traumatic stress disorder affects rape survivors. She accurately portrays the severe consequences of being victimized. She also leads the reader through her journey of coming to terms with the rape and describes the new person she becomes as a result of her healing process.

This book is insightful and moving. In her narrative of her recovery, Raine integrates the work of contemporary trauma theorists. She reinforces the idea that rape is a crime of power and control, not sex. She explores the common reactions of survivors of guilt and self-blame as a natural extension of society’s myths about rape.

We have recently seen much media coverage of sexual abuse cases in our churches, high schools, colleges, and communities. These cases reveal significant barriers to victim reporting and show that the effects of these crimes can be devastating. As a rape crisis counselor, I believe this book illustrates the importance of services for survivors of sexual assault so that they can break their silence and embark on the path to healing. I would recommend this book to anyone. For survivors, *After Silence* gives validation and hope. For their counselors and significant others, this book helps to further understanding of the traumatic consequences of rape.

Nathalie Saltikoff, LICSW, is the Director of North Shore Rape Crisis Center.

Nancy Venable Raine will deliver the keynote address at MOVA’s Victim Rights Conference on April 16.

share with even their closest friends. In Raine’s case, none of her friends ever asked her what had actually happened to her.

Studies have shown that over 50 percent of rape survivors suffer from post-traumatic stress disorder, which can include extreme feelings of helplessness and

"Silence has the rusty taste of shame. The words shut up are the most terrible words I know. I cannot hear them without feeling cold to the bone. The man who raped me spat these words out over and over during the hours of my attack....It seems to me now that these words, the brutish message of tyrants, preserve the darkness that still covers this pervasive crime. The real shame, I have learned, is to consent to them."

Massachusetts Enacts **Drunk Driving Trust Fund Law**

By Barbara Harrington

Mothers Against Drunk Driving (MADD) is pleased to announce passage of the Victims of Drunk Driving Trust Fund bill. In an exceptional show of support, both the House and Senate engrossed the bill in unanimous roll call votes. Acting Governor Jane Swift signed the bill into law in a public ceremony in March.

The new law assesses a \$50 fee on every person convicted of operating under the influence (OUI), with the money set aside in a trust fund to aid community based groups serving victims and survivors of drunk or impaired driving crashes. The fee cannot be waived, and will be assessed upon every conviction, continuance without a finding (CWOFF) or admission of sufficient facts. The Victim and Witness Assistance Board and MOVA will administer the Trust Fund through a grant process.

Drunk driving is a crime that creates unique problems for its victims and survivors. Although OUI is the most

when offenders agree to the scientifically reliable BAC test, in Massachusetts the results are deemed evidence but not proof of legal intoxication, *unlike every other state*. Victims are understandably outraged with a system that does little to deter a preventable and devastating crime.

This dynamic creates an out of control situation, with the public unsure of the standard for their behavior, juries uninformed or confused, prosecutors left without scientific evidence, and police officers increasingly discouraged, leading to even fewer arrests. It is easy for offenders, many of whom are addicted to alcohol and other drugs, to deny that their crime is potentially deadly. The most important goal of the Victims of Drunk Driving Trust Fund is to send a wake-up call to the convicted offender through the dedicated \$50 fee.

MOVA and the Office of the Attorney General have been supportive of MADD and the bill, from the drafting of the

With the generous support of Chairman Rogers, the bill underwent some positive changes and was engrossed in the House in October. Senator Cheryl Jacques (D-Needham) agreed to sponsor the bill in the Senate and fully supported MADD's goals as we finalized a version acceptable to both chambers. Other legislators who assisted with the passage include Senators Mark Montigny (D-New Bedford) and Cynthia Creem (D-Newton), Senate President Thomas Birmingham (D-Chelsea), Senator Brian Lees (R-East Longmeadow), House Speaker Thomas Finneran (D-Mattapan), and Representative Tim Toomey (D-Cambridge).

For victims and survivors, the Trust Fund will ensure basic services such as grief support, court advocacy, and help navigating a criminal justice system that is complicated and often unfamiliar. Because drunk driving is so tragically preventable, many survivors want to turn their grief into action. The Victims of Drunk Driving Trust Fund could be used to support victim involvement in prevention, education, research and advocacy projects designed to make a real difference in Massachusetts. MADD's goal is to save lives and prevent injuries through effective advocacy for social change and criminal justice. Everyone affected comes to understand how devastating and preventable impaired driving is—after the fact. MADD wants to protect others from this painful lesson by ensuring that we have strong and clear laws, vigorous enforcement, and appropriate sanctions, all working together to provide effective deterrence. For more information about MADD, call us at 1-800-633-MADD or visit us on the web at MADD.org.

Barbara B. Harrington is the State Executive Director of Mothers Against Drunk Driving (MADD).

Fifty percent of fatal crashes in Massachusetts are alcohol related, compared with 40 percent of crashes nationwide. Alcohol related crashes killed 208 people in the Commonwealth in 2000.

commonly committed violent crime in this country, it usually goes undetected. The National Highway Traffic Safety Administration estimates that the average impaired driver commits the crime hundreds or thousands of times without arrest. Most OUI arrests that do occur are for incidents of erratic driving with no victims involved. Penalties are progressive, with jail time rare until the number of convictions reaches three in the previous ten years. While Massachusetts law requires that those arrested be offered a breath or blood test, they are free to refuse and that refusal is subsequently inadmissible at trial. Even

first version, in testimony before the committee, and in securing the bill's key sponsor, Representative John Rogers (D-Norwood).

First filed in the last session, the bill was favorably recommended out of the Joint Committee on Public Safety, but stalled in the House Committee on Ways and Means. To give the bill its best chance of passage in the current session, MADD Massachusetts engaged Gloria Craven and Stacy Ober of Policy Strategists, LLP, to shepherd the bill through the Legislature. Donations from a private foundation enabled us to take this key step.



Jane Doe Inc. Calls on Governor Swift to Declare

State of Emergency on Matters of Sexual Violence

by Toni Troop

On Friday, February 22, 2002, Jane Doe Inc. called on Acting Governor Jane Swift to officially recognize the crisis of sexual violence in Massachusetts and to establish a coordinated statewide effort that would address gaps in services and work to prevent these crimes. Judith E. Beals, Executive Director of Jane Doe Inc., pointed to the confluence of events that has brought much needed public attention to, and outrage against, this “crisis of enormous proportions.” By drawing the connections between those incidents reported on a daily basis and the larger systemic issues, Jane Doe Inc. set out to bring the work against sexual violence to a new level, with a coordinated statewide response.

At the press conference, Senator Cynthia Creem and Representative Peter Koutoujian stood alongside two survivors, author Richard Hoffman and student Julie Gupitill, in calling for immediate action by the Governor. Within a few days Senator Creem introduced a resolution to the Massachusetts Senate urging the Governor to declare the State of Emergency and to establish an Emergency Task Force. The resolution passed unanimously on February 28, 2002.

Beals pointed to recent reports of rape among high school students such as in Canton and Braintree, sexual assault in neighborhoods such as the Ashmont MBTA and Washington Square, the hundreds of claims of child sexual abuse made against clergy in the Catholic Church, and the insensitive comments and inadequate sentencing by Superior Court Judge Ernest Murphy in New Bedford as clear indicators for the need for public dialogue and response on matters of sexual violence.

“We can no longer hide behind the myths surrounding sexual assault or

pretend that it doesn’t happen. We can no longer afford to stand by while victims are shamed, blamed and silenced,” Beals noted. “The pervasive and devastating reality of sexual violence cannot be addressed piecemeal; it requires a coordinated statewide effort to create policy, design training, increase education and take other steps to meet the needs of victims and to hold offenders accountable. We call upon the Governor and Legislature to support our efforts to create an Emergency Task Force and pass legislation that mandates reporting for clergy, establishes clear sentencing guidelines and mandates training for all judges and court employees.”

In the same way the O.J. Simpson trial brought the issue of domestic violence to the forefront of public attention, recent events in Massachusetts shattered a terrible silence about sexual violence from all corners of the state. The number of Massachusetts families and children who have been impacted by sexual violence is staggering.

- Massachusetts rape crisis centers received over 10,000 hotline calls in fiscal year 2001. Rape crisis centers in Massachusetts served over 1,738 clients for sexual assault services, which include counseling, advocacy, and support group services (Massachusetts Department of Public Health (DPH), Sexual Assault Prevention and Survivor Services, Incident Data, 2002).
- From 1988 to 1997, the number of reports of sexual assaults on women by an intimate partner rose from 11 percent to 20 percent (DPH, 1999).
- Eighty-eight (88 percent) of sexual assault survivors know their perpetrator (DPH, 1999).

In a report released last year, Jane Doe Inc. outlined over 43 recommendations for ways that survivors, advocates, law enforcement, medical professionals, clergy and teachers must work together to address and prevent the crimes of sexual violence within every community. This report, “Taking Action to End Sexual Violence,” offers a blueprint for action steps to be implemented through a statewide response.

Beals added, “The recent tragic and disturbing events expose the tremendous gaps within existing systems and services when it comes to the prevention of sexual violence, adequate services and support of survivors, and greater offender accountability. We must pull together the talent, expertise and resources to adequately and effectively address these challenges.”

Toni Troop is the Communications Director at Jane Doe Inc.

If you have questions about the State of Emergency Campaign, please contact Cathy Greene, AED of Public Affairs (617-557-1806 or cgreene@janedoe.org); Toni Troop, Communications Director (617-557-1807 or ttroop@janedoe.org) or Nancy Scannell, Legislative Director (617-557-1814 or nscannell@janedoe.org.)

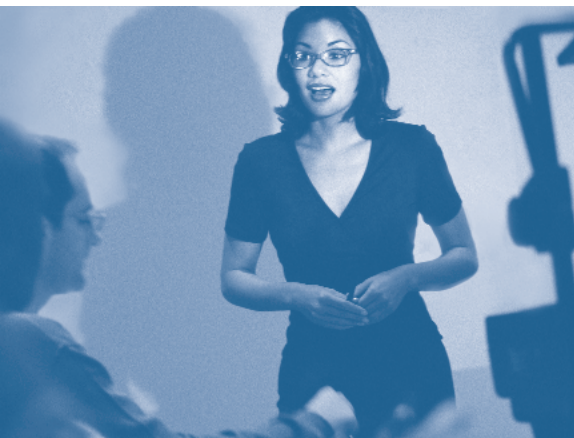
To receive a copy of Jane Doe’s report “Taking Action to End Sexual Assault” call 617-557-1801 or write cmcclellan@janedoe.org.

Jane Doe Inc., as the statewide coalition representing more than 60 sexual assault and domestic violence programs across the Commonwealth, advocates for responsive public policy, promotes collaboration, raises public awareness, and supports member programs to provide comprehensive prevention and intervention services. Jane Doe is guided by the voices of survivors.

Research in the Community: Promoting Collaborative Efforts to Address Domestic Violence

By Margret E. Bell, M.A. and
Lisa A. Goodman, Ph.D.

Historically, the relationship between domestic violence researchers and service providers has been an uneasy one. Service providers often have had good reason to fear that researchers might exploit their clients, endanger their safety, or provide de-contextualized, victim-blaming interpretations of research results. Some researchers, unfortunately, have contributed to this mistrust by



conducting “drive-by” research, using an agency to gain access to a population for data collection and then leaving it with very little to show for its expended time, resources, and cooperative effort.

In turn, researchers themselves may feel that service providers are too inflexible, overprotective of clients, and quick to dismiss the potential value of research. On both sides, some have thrown up their hands in frustration, concluding that the costs and difficulties of collaborating on research may outweigh the benefits.

The Importance of Collaboration and Research

Increasingly, however, researchers and service providers are realizing the necessity and benefits of forming collabora-

tive relationships with each other. Funders, too, are recognizing the importance of collaboration and are requiring programs they fund to evaluate their work. Indeed, many are coming to view these collaborations as critical components of efforts to prevent domestic violence and help its victims.

Beyond meeting the requirements of funders, collaborative relationships can be valuable to their participants in their own right. In addition to assessing cost-effectiveness, or what does and does not work, research can identify gaps in service, ensure that programs are being implemented as intended, and allow clients’ perspectives about their needs and the program’s services to be heard. Researchers and providers both have different but valuable perspectives to bring to the development and implementation of programs and the pursuit of policy initiatives. To be most effective, research and intervention need to draw from and reflect both of these perspectives.

Participating in research also affords providers an opportunity to make their own and their clients’ voices heard more clearly throughout the study conceptualization and implementation process. This increases the likelihood that more appropriate designs, relevant outcome variables, and sensitive interpretations permeate the field. The research process also gives providers a chance to reflect on their programs and clearly delineate how they believe what they do benefits their clients. Such self-analysis may be helpful in itself by reminding providers of the importance of what they do and of the theories and mechanisms that undergird their work.

Finally, research allows for the accumulation and sharing of knowledge. This

may be by providing details of a particular program and its impact through reports, journals, or word-of-mouth. Or it may be by collecting information about what happens to clients before, during, and after a particular intervention and using that information to better understand and aid subsequent clients. Either way, it allows researchers and agencies nationwide to learn about and benefit from each other’s ideas and work and ultimately provide more effective and sensitive interventions to clients.

Research As Advocacy

One important change within the academic community over the past decade has been the increased attention to feminist critiques of how science has been traditionally conceptualized and conducted. Many more scientists have begun to recognize the value of non-academic sources of knowledge, such as the voices of research participants and the people who work with them; the importance of conducting socially-relevant research in the community; the need to focus on the ways that culture, environment, and social categories such as race, class, and gender impact participants; and the value of forming long-term, egalitarian partnerships with members of the community. These researchers recognize that no research enterprise is completely objective or value-free. With this in mind, they are much more likely to make explicit the values underlying a specific study and to stress the importance of using research not only for knowledge accretion, but for social change as well.

This perspective, coupled with the fact that many service providers and community advocates are themselves pursuing graduate degrees or conducting

informal research on their own, calls into question the notion of there being a firm division between “researcher” and “community” in the first place.

All in all, the time seems ripe for more formal collaboration. How might this be fostered?

Developing and Nurturing a Collaborative Relationship

As in any other domain, collaborative relationships between researchers and providers can be difficult to establish and maintain. Failing to understand each other’s language, priorities, and institutional cultures can lead to miscommunication early on. Time spent in meetings, planning, and communication with other team members may add one more burden to an overworked service provider’s schedule. This may seem particularly onerous when the agency’s reward structure does not recognize the value of the collaboration. Finally, researchers and providers each may have to work through issues related to their negative preconceptions of each other, the process of learning to value different forms of expertise, and the compromises each is willing to make to help the collaboration succeed.

This having been said, there are several ways to effectively negotiate these potential obstacles.

- *Make sure that you’ve chosen the right researcher.* It is important to work with a researcher who understands or is willing to learn about your particular setting. He or she should be capable of sharing control of the research process and your collaborative relationship. Most importantly, the researcher should be someone with whom you can get along and with whom you appear to share basic values. He or she should value your input throughout the research process.

- *Get others in your agency on board.*

Collaboration and research within a community setting cannot be a top-down or single-handed effort. It is essential that all staff within your agency understand the importance and benefits of the collaboration. Allowing others to sit in on meetings and soliciting their advice on research design and implementation will allow them to feel more invested in the project and ultimately, will help it run more smoothly.

- *Specify your goals and assumptions in advance.* Researchers and service providers face different institutional pressures and may come together with different visions of their work together. Be clear about what you can and cannot provide. Discuss in advance what will be done with the data obtained, including issues of who “owns” the data and how you will make decisions about publication authorship.

- *Keep the lines of communication open.* Frequent communication and regular meetings can help ease tensions and confusion and catch problems before they worsen. Make sure everyone is on the same page about each other’s duties and responsibilities. Make sure everyone’s voice is heard throughout the research process. Understand that researchers and service providers come from and work within different organizational cultures; educate each other about these differences, and strive to learn each other’s language. When in doubt, assume good intentions, but speak up about your concerns.

- *Identify and try to address social status differences within your collaboration.* Researchers, service providers, and study participants often come from different educational, racial, or socioeconomic backgrounds which, in addition to shap-

ing assumptions and values, affect the relative social status with which they enter the partnership. As in our larger society, negotiating and working to level these differences will undoubtedly be an ongoing effort. It is important, however, to discuss throughout how these differences are impacting the research process, particularly in terms of whose voices are heard most strongly and whose interests need the most protection.

- *Adopt a long-term perspective.*

Collaboration involves developing a long-term relationship that is mutually beneficial. There may be periods of time where one partner needs to assume more responsibility or make more sacrifices, but this should never be a lopsided effort. Value each other’s contributions at each step of the process but always work to anticipate future problems and to preserve the relationship over time.

- *Realize that collaboration and research take time.* Nurturing mutually beneficial relationships can be a lot of work, especially in the beginning. While they should not be entered into lightly, it may be wise to begin slowly in order to build up trust, respect, and a mutual understanding of what the collaboration will entail. If research is part of the picture, its self-reflective, long-term process may be in contrast to the day-to-day crisis management that characterizes your program. There may be a need for both partners to adjust to accommodate each other’s perspectives.

- *Collaboration need not be limited to research.* Collaborative relationships can also allow the sharing of resources and information, such that researchers may do staff trainings or presentations for agencies or provide consultation on various issues. In turn, when researchers work in universities, service providers

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Making Change in the Face of Adversity

On March 3, 2002, Tawnya Underhill was present as Acting Governor Jane Swift signed legislation creating the newly defined crime of aggravated assault. Ms. Underhill had testified before legislators in support of the bill. The legislation defines an aggravated assault as an assault and battery causing serious bodily injury, an assault and battery on a pregnant woman, or an assault and battery in violation of a restraining order. The crime is punishable by up to five years in state prison or two-and-one-half years in a house of correction and/or a \$5,000 fine. The legislation also creates the crime of aggravated assault and battery with a dangerous weapon, which includes assaults occurring in the circumstances above as well as assault and battery on a child under the age of 14 by a person 17 or older. The crime is punishable by up to 15 years in state prison or up to two-and-one-half years in a house of correction and/or a \$10,000 fine. Prior to the new law, incidents of assault and battery—even those resulting in serious injuries—could be prosecuted only as misdemeanors. Senator Cynthia Stone Creem (D-Newton) and Representative Stephen Tobin (D-Quincy) were the bill's primary sponsors.

Dear Jane Doe Inc. and other people I believe can help me,

Hello, I'm a 29 year old woman with three boys. I'm writing to you, as I need some help on changing a law. I'm going to start by saying I'm a victim of domestic violence. December of 2000 my boyfriend broke my neck and raped me, would not call 911, bit my feet and my face through the night. The next day I still couldn't feel or move a thing on my body. I begged him to get me help, all he could say is if he does or when he does he is going to jail....So he said we had to think of something to say to them so he would not go to jail. So I agreed as I just wanted a doctor. I was terrified in many ways, shocked. Well he finally called 911 several hours later. And my neck was broken and I need to go to surgery right away. When I woke up I was on a machine that was breathing for me and a tube up my nose feeding me, still not able to move. Today I'm trying to deal with this new life and raise my kids the best I can from this jail I am in. All I am asking is to help me as the charge he got for taking all he did from me does not match at all....he is going to get out and go on with his life, walk, use the men's room, play football with his kids....he took that away and more and he gets to have that. Please don't ignore this letter. I need all the support I can get. I'm not stopping here. I'm going everywhere I can, even to the President. I'm going to get somewhere as I'm not giving up until I do....

Thank you all

Tawnya Underhill
Pittsfield, MA



Tawnya Underhill with Acting Governor Jane Swift, Debra Wigglesworth from the Elizabeth Freeman Center, Judith E. Beals from Jane Doe Inc., Representative Stephen Tobin and Middlesex District Attorney Martha Coakley. (Not shown: Senator Cynthia Stone Creem)

Speaking Out for the Victims of Child Sexual Abuse

On February 20, Acting Governor Jane Swift announced her decision to deny convicted child abuser Gerald Amirault's request for a commutation of his sentence. Amirault was convicted in 1986 of sexually abusing nine children under his care at the Fells Acres Day Care Center in Malden.

Mothers of two of his victims responded to the Governor's decision.

As the mother of one of the victims of the Fells Acres Day Care case, I rejoiced in the decision of Acting Governor Jane Swift to deny commutation of Gerald Amirault's sentence. I applaud her courage in rejecting the recommendation of the Parole Board and in recognizing that the verdict was just and the sentence was appropriate.

These public crusades to free this convicted child molester have taken an emotional and psychological toll on our lives. Every time another tactic is launched by the Amirault lawyers, all the agonizing trauma returns and our lives are once again devastated until the case fades away from the media.

After I spoke with Governor Swift's legal counsel, I was emotionally drained and wondered how much longer I would have to relive and retell the horrible crimes my child endured at the hands of these people. Governor Swift's decision has given me the strength and determination to continue to speak the truth and to do whatever I can to keep Gerald Amirault in prison.

—YB

The news yesterday was that Gerald Amirault is filing for early parole. It seems never ending. Back when my daughter Jaime testified, I told her, "All you have to do is tell the truth, and you'll never have to talk about it again." Now she's just left asking, "Didn't they believe us?" It's like the roles were reversed. He became the victim. The victims became the bad guys. You have to have faith that justice will prevail, but the legal system is what it is, and people will believe what they will believe. All we can do is tell the truth.

The articles still say the "alleged" victims. He's been charged and tried and convicted and sentenced, and he's gone through all of his appeals and they were denied, and still they say "alleged." He is in jail. He is where he belongs. As Jaime says, his saying he's not guilty and making these appeals doesn't change the facts. Jaime said that yes, she is happy with the Governor's decision not to commute his sentence—but it doesn't change what happened to her. She is away at college now, and last night, I talked to her on the phone. I didn't want to tell her this latest news about his application for early parole, but she could hear it in my voice, and she asked, "What's wrong?" I didn't want to have to tell her, but I also don't want her to read about it some place or hear about it in an email from a friend. I'm in Massachusetts and she is in Illinois....I can't hug her and tell her it's going to be all right. It's not going to be all right. I want to protect her as best I can. I want to shield her, but I can't.

It seems like yesterday sometimes, but it was so long ago. We closed that chapter in our lives, and we put that

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Compiled by Erin Tallman

*I find the great thing
in this world is not so
much where we stand,
as in what direction
we are moving—we
must sail sometimes
with the wind and
sometimes against it—
but we must sail, and
not drift, nor lie at
anchor.*

Oliver Wendell Holmes

SJC Rules "Son of Sam" Bill Unconstitutional

The Massachusetts Supreme Judicial Court ruled the state's "Son of Sam" bill unconstitutional, holding that the bill was over-broad and would place a "prior restraint" on speech. The ruling followed a similar decision by the California Supreme Court. Sponsors of the Massachusetts bill included MOVA and the Victim and Witness Assistance Board. The proposed legislation was intended to prevent offenders from benefiting financially from the notoriety of their crimes. Massachusetts's earlier notoriety-for-profit law was repealed in 1994.

Nursing Home Chain Settles Civil Suit over Patient's Homicide

A national nursing home chain will pay \$750,000 to the family of Mary Keenan, an 89-year-old woman killed by her roommate in a long-term care facility in 1997. A Massachusetts Department of Public Health (DPH) report found significant fault with the facility's handling of the case, saying the facility failed to appropriately report and assess prior incidents involving the same perpetrator and also failed to provide staff with information that might have prevented the fatal incident. The perpetrator was convicted of manslaughter. The facility, the Robbin House Nursing and Rehabilitation Center in Quincy, closed in 2000.

Office for Public Safety Updates Policy for Law Enforcement Response to DV

Secretary of Public Safety James P. Jaguga announced the release of the updated Massachusetts Policy for Law Enforcement Response to Domestic Violence. The new policy includes improved protocols for working with child witnesses and non-English-speaking victims. The guidelines call on responding officers to ascertain a suspect's criminal history and background information, including warrants or restraining orders. According to the guidelines, a decision to arrest must be based on whether probable cause exists that the crime occurred, and not on whether a victim wishes to seek a complaint. Access the policy at www.state.ma.us/ccj/download/dvguide_02.pdf.

Legislation Corrects Incest Statute

A new state law amends the incest statute to ensure that any sexual act a parent perpetrates on a child is prohibited. Senator Cheryl Jacques and Representative David Donnelly filed the legislation to address a Supreme Judicial Court ruling that held that the state's incest statute did not bar oral sex, anal sex or digital penetration but only sexual intercourse. Other sex crime statutes had already been expanded to include those acts in their definitions.

Federal Appeals Court Rules California's "Three Strikes" Law Unconstitutional

The Ninth U.S. Circuit Court of Appeals, ruling on California's controversial "three strikes" law, held that sentencing a defendant to 25 years to life for shoplifting is unconstitutional. The Court found that even a record of violence does not justify a life term for minor crimes punished much less severely in other states. The ruling could impact over 340 California cases in which defendants were similarly sentenced for shoplifting convictions.

Virginia Rules SANE Nurses May Testify, with Limits

Nurses who examine patients reporting sexual assaults may testify in court, but may not offer the opinion that injuries were caused by a sexual assault, the Virginia Supreme Court ruled. The Court overturned the conviction of Eduardo D. Veasquez, saying a jury should not have heard a nurse's testimony that injuries she observed were "consistent with sexual assault." The Court said, however, that nurses with training and experience, such as Sexual Assault Nurse Examiners (SANE), are qualified to reach an opinion and testify as experts. Testimony that a victim's injuries were inconsistent with consensual sex is permissible, according to the decision, but determinations about the cause of the injury must be left to a jury.

Supreme Court Limits Sex Offender Confinement

The United States Supreme Court limited states' ability to civilly confine sex offenders beyond completion of criminal sentences. The Court said states must prove not only that offenders remain dangerous and are likely to repeat their crimes, but must also show "serious difficulty in controlling behavior" as part of a psychiatric diagnosis. The decision refined the Court's findings in the 1997 case, *Kansas v. Hendricks*. The ruling may not seriously impact Massachusetts cases, as the state law governing commitment of sex offenders already requires proof of an inability to control dangerous behavior. Nationwide, an estimated 1,200 convicted sex offenders are currently confined under civil commitment laws.

New York Creates "Gun DNA" Database from New Handguns

New York law enforcement professionals have begun to collect shell casings fired from new handguns for future use in solving crimes. Handguns leave unique markings, known as "gun DNA," on spent casings. State police in select locations are now collecting the casings, which are then digitized for storage in an electronic ballistics database. Maryland was the first state to establish a ballistics database. In Massachusetts, the Integrated Ballistics Identification System (IBIS) holds more than 9,000 entries of ballistic evidence gathered from crime scenes.

Judge Changes Ruling on Fingerprinting Evidence

A federal judge in Philadelphia reversed his own ruling after initially finding that a fingerprinting expert could not testify that a suspect's prints matched those found at a crime scene. Judge Louis H. Pollack of Philadelphia's Federal District Court had alarmed law enforcement officials in finding that fingerprint analysis had not been subjected to rigorous testing and experts could therefore only testify to similarities between prints. After further hearings, the judge determined that the Supreme Court's 1993 standard of allowable expert testimony was more flexible than he had first believed and ruled he would allow testimony about matching prints from F.B.I. experts.

Scottish Court Upholds Lockerbie Bombing Conviction

A Scottish appeals court upheld the conviction of a former Libyan intelligence agent, Abdel Basset al Megrahi, in the 1998 bombing of Pan Am Flight 103 over Lockerbie, Scotland. American officials called for Libya to finalize compensation agreements with families of those killed in the bombing, and victims' families called for Libya to acknowledge responsibility for the attack. Diplomats and attorneys working toward these ends reported progress in negotiations with Libyan officials. Several people from Massachusetts were among the 270 killed on the flight.

Department of Labor Asks Employers to Help Stop Drunk Driving

The U.S. Department of Labor announced the launch of a new web initiative that encourages employers to help prevent impaired driving among their employees. The Department's Working Partners for an Alcohol and Drug-Free Workplace program developed a special section of its web site that describes prevention initiatives and includes practical steps employers can take, such as coordinating designated driver and alternative transportation programs for office parties and other employer-sponsored events. Access the Impaired Driving initiative at www.dol.gov.

Nursing Home Abuse Often Goes Unreported

Physical and sexual abuse in nursing homes is often unreported and is rarely prosecuted, according to a study by the General Accounting Office (GAO), an investigative arm of Congress. Federal investigators conducting the study found that patients and their families fear retribution if they report abuse and that employees fear losing their jobs if they report a co-worker. The report says that identified abusers can easily find nursing home positions in other states because states do not share information. The GAO reported the findings at a hearing of the Senate Special Committee on Aging.

Federal Appeals Court Upholds **Protective Order Gun Ban Law**

By Greta LaMountain

In 1998, a Texas physician named Timothy Emerson bought a firearm after his estranged wife took out a temporary protective order against him on behalf of their four-year-old daughter and herself. Emerson then brandished the gun at them, threatening their lives, and told friends and the police that he intended to kill his wife. He had been instructed about a provision forbidding the purchase of any firearm while the protective order was in effect.

Emerson was indicted under a 1994 federal law entitled the Domestic Violence Protective Order Gun Ban (18 U.S.C. §922(g)(8)), which forbids almost anyone against whom a temporary protective order has been taken from possessing a firearm while the order is in effect. Emerson appealed the indictment against him, claiming that the ban is unconstitutional because the Second Amendment of the United States Constitution guarantees him the right to bear arms. Although it has long been accepted that felons, young children, and people suffering from certain mental illness may be prohibited from possessing firearms, Emerson challenged the law on the premise that the 1998 order against him contained no *actual* finding that he represented a credible threat to his wife or daughter. He argued that the Domestic Violence Protective Order Gun Ban law should require that the “court order include an explicit finding that the person enjoined posed a credible threat of violence to his spouse or child” (U.S. v. Emerson, 270 F.3d 203 at 213).

The Second Amendment reads: “a well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not

be infringed.” How exactly these words should be interpreted has long been an issue of debate. Some gun-control advocates want courts to interpret this as giving the right to bear arms to a “well-regulated militia” *only*, while gun-ownership advocates, such as the National



Rifle Association, interpret the Amendment to include the right of both the militia *and* almost every individual citizen to own and bear firearms. Emerson based his appeal on this position.

On October 16, 2001 a three-judge panel on the Fifth United States Circuit Court of Appeals in Texas decided that while individual citizens do indeed have a wide-ranging right to own and bear arms under the Second Amendment, those rights may be discontinued—at least temporarily—while a protective order is in effect against an individual. The court generally accepted the interpretation of the Second Amendment that recognizes the rights of both the militia and of individuals to bear arms. They qualified this general right, how-

ever, rejecting Emerson’s argument that there should be an explicit finding that he poses a credible threat of violence.

The court found the Domestic Violence Protective Order Gun Ban to be constitutional and consistent with the Second Amendment. It found that since an applicant for a protective order must show that there is “a presently existing actual threat,” such a finding is minimally sufficient to support the deprivation of the defendant’s Second Amendment rights for the duration of a protective order.

Although this federal appellate decision disappointed many gun-control advocates, it is indeed a definite victory for domestic violence victims and advocates across the United States. The Court’s decision upholds the Domestic Violence Protective Order Gun Ban and sets an appellate precedent that will make it difficult to claim that it is unfair or unconstitutional to forbid individuals to possess firearms while a protective order is in effect against them. This ruling also brings the issue of domestic violence into the spotlight in the courts. Domestic violence advocacy organizations applauding the ruling included the National Network to End Domestic Violence, which had submitted an amicus curiae brief on the issue.

Greta LaMountain is MOVA's law student intern. She is a second year student at Boston College Law School, focusing on family law and domestic violence.

Findings

Depression and Anxiety High in Children Exposed to Violence

Children living in the inner city have a high exposure to violence by age seven, and high exposure to violence correlates with poorer school performance, symptoms of anxiety and depression, and lower self-esteem, according to a study of children and their caregivers. Seventy-five percent of seven-year-olds studied had heard gun shots, 18 percent had seen a dead body outside, and 10 percent had seen a shooting or stabbing in the home. Many showed signs of depression and anxiety: 61 percent worried some or a lot of the time that they might get killed or die and 19 percent sometimes wished they were dead. The report, *Exposure to Violence: Psychological and Academic Correlates in Child Witnesses*, appeared in December's *Archives of Pediatric and Adolescent Medicine*.

Youths Found More Likely to Carry Firearms in Committing Crimes

Youths are more likely to carry a gun while committing a crime than adults, according to a study of incarcerated offenders by the U.S. Department of Justice. Male offenders, younger offenders, offenders from racial and ethnic minority groups and offenders without prior convictions were the most likely to have been carrying a firearm at the time of the offense. Twenty-seven percent of state prisoners who victimized a current or former spouse, boyfriend or girlfriend were armed while committing the crime. Access the report, *Firearm Use by Offenders*, at www.ojp.usdoj.gov/bjs.

Gun Violence Impacting Children and Teens

Gun violence killed 3,365 children and teens in 2001, according to the Children's Defense Fund's annual report on the issue. Homicides accounted for 59 percent of those deaths. Child and teen firearm deaths dropped 42 percent after peaking in 1994, according to the report, which also cited the Centers for Disease Control's findings that American children are 16 times more likely to be murdered with a gun than children in 25 other industrialized countries combined. Between 1979 and 1999, gunfire killed more than 87,000 children and teens in the United States. View the *Protect Children Instead of Guns 2001 Annual Data Report* at www.childrensdefense.org.

Youth Homicides and Motor Vehicle Crash Deaths Increase Internationally

The percentage of deaths among young people due to homicide, motor vehicles crashes and suicide increased from 26 percent to 43 percent from 1955 to 1994, in a study of 26 countries. Violent deaths were higher among males than females. The report, published in the January issue of the *Journal of Adolescent Health*, found that 24 of the countries studied had lower homicide rates than the United States. Researchers from the University of Chicago and the University of Cincinnati College of Medicine analyzed data on 15- to 34-year-olds from the World Health Organization Mortality Database for the study.

Violent Crime in the Workplace Seen to Decline

Violent crime in the workplace decreased 44 percent from 1993 to 1999, according to findings from the National Crime Victimization Survey. Workplace violence accounted for 18 percent of all violent crime over the seven-year period, with 1.7 million people a year assaulted at work. The survey found that police officers experienced a higher rate of work-related violence than all other occupations, followed by corrections officers and taxi drivers. Homicides in the workplace decreased 39 percent during the period, with 651 work-related homicides occurring in 1999. More than 80 percent of workplace homicides were committed with a firearm. View the study, *Violence in the Workplace, 1993-99*, at www.ojp.usdoj.gov/bjs.

Crime Labs Backlogged with Increasing DNA Tests

DNA crime laboratories received about 31,000 subject cases in 2000, an increase of over 10,000 cases from the previous year, according to a survey of publicly operated forensic crime labs that perform DNA testing. Eighty-one percent of labs had backlogs at the beginning of 2001, totaling 16,081 subject cases and 265,329 convicted offender samples. Forty-five percent of laboratories reported contracting with private laboratories to do forensic DNA testing in 2000. The report, compiled by the Bureau of Justice Statistics from a survey of 110 crime labs, compares findings to baseline data from an initial survey. View the findings at www.ojp.usdoj.gov/bjs.

Efforts to Address Domestic Violence

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might come to speak in their classrooms or allow university students to volunteer in their agencies in a way that is mutually beneficial.

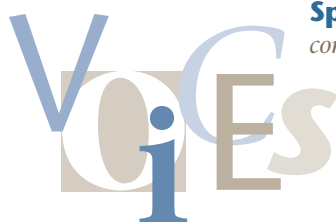
- *Remember the real reason you're working together: to help your clients and to help end domestic violence.* Throughout, make sure that the safety and best interests of battered women and their children are paramount. Remember that each collaborative partner operates with this as a fundamental value and welcome the different perspectives which each of you bring to the table.

Conclusion

Researchers and providers possess unique and valuable knowledge and resources that, when brought together in collaboration, can be enormously beneficial to each other, victims of interpersonal violence, and the ongoing fight to end domestic violence.

For more information on this topic, consult the National Violence Against Women Prevention Research Center's report "Collaborations to prevent violence against women" at www.vawprevention.org (under "new postings") or the Urban Institute's "Evaluation guidebook" at www.urban.org/crime.

Margret Bell, M.A., is a Doctoral student and Lisa Goodman, Ph.D., an Associate Professor in Counseling and Developmental Psychology at Boston College's School of Education.



Speaking Out

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book away on a shelf. It's collecting dust—I don't want to take it down again.

When we made the decision to come out to the press, we came out with Jaime's blessing. People tend to forget. The victims were only known as Child A or Child B, or by their initials. We needed to say to people, *This is real. This happened.* Or these children wouldn't be living the nightmares that they are living. We want the public to know that these kids are real. They have pain, and they hurt. It happened.

I worry this case will make it harder for abused children to come forward and speak of the things that have happened to them, and that abusers will think they can keep abusing, that children

won't come forward or won't be believed. Part of this is about Jaime but there's also the worry for other children and the pain they are experiencing.

We're only a handful of people. It's hard for a handful of people to change the world, to change society. The things that keep me going are my faith in God, my faith in the judicial system, and my faith in my daughter. I have to be strong.

—Harriet Dell'Anno

*The very least you can do
in your life is to figure out
what you hope for. And the
most you can do is live
inside that hope.*

Barbara Kingsolver

VOCA Update

continued from front cover

The supplemental funds are geared specifically for “counseling victims of the September 11, 2001 terrorist attacks as well as their families and crisis responders.” One week after the funding was announced, MOVA mailed out a request for proposals. A Bidder’s Conference, held on March 19, provided a forum for providers to voice their needs to increase staff and services in the wake of September 11. Those who attended the Bidder’s Conference will be submitting their proposals to MOVA by April 19, and decisions will be rendered at the May 7 VWAB meeting. Contracts for this award will begin May 13 of this year and continue through June 30, 2003.

Future of VOCA Funding

Unless Congress releases the cap on the federal VOCA fund, the future of VOCA funding for the states looks to be increasingly restrictive. Over the last three years, collection for the Crime Victims Fund have declined, going from a record collection in fiscal year 2000 of \$985 million, to a relatively meager collection in fiscal year 2002 of \$544 million. After the record collection in fiscal year 2000, Congress put a \$500 million cap on the fund, releasing only \$485 million dollars of the \$985 million collected to be distributed to

the states. Since fiscal year 2000, the cap on collections has increased while overall collections have dropped. Compounding this is the increased need for money to fund direct victim services in the wake of the September 11 attacks and in response to significant state budget cuts. For more information about the cap, log onto www.navaa.com. If you would like to learn more about our advocacy with Congress on lifting the cap, or how you can help, call Brenda Noel at 617-727-0115.

Massachusetts VOCA Grant Manager Elected to National Post

During the national VOCA Victim Assistance and Victim Compensation Conference held in Washington, D.C. this January, Brenda Noel, the Victim Assistance VOCA Program Manager for the state, was nominated and elected as Secretary of the Executive Board of the National Association of VOCA Assistance Administrators (NAVAA).

NAVAA is a nationwide organization of VOCA Assistance Administrators that was established at last year’s VOCA Administrators Conference. The purpose of this organization is to “encourage and facilitate mutual support and cooperation among state level managers of U.S. Victim of Crime Act (VOCA) victim assistance grants.” With this new position, Brenda will ensure that the concerns of Massachusetts VOCA programs are heard on the national level.

Lynne Williams is MOVA’s VOCA Program Associate.

Begin doing what you want to do now. We are not living in eternity. We have only this moment, sparkling like a star in our hand, and melting like a snowflake.

Marie Beyon Ray

BULLETIN BOARD

In Upcoming Issues

Focus

Serving Male Victims of
Childhood Sexual Abuse

On the Bookshelf

*The Key to My Neighbor's
House: Seeking Justice in
Bosnia and Rwanda*

Moving Forward

MOVA's New Executive
Director, Janet Fine,
shares some of her ideas
for the future

Victim and Witness Assistance Board Meetings

The Victim and Witness Assistance Board will vary locations of its 2002 meeting dates to increase opportunities for attendance from the community. For information on the next scheduled meeting, call MOVA at (617) 727-5200.

Massachusetts Victim Rights 2002 Conference

The Massachusetts Office for Victim Assistance (MOVA) will hold its annual Victim Rights Conference on April 16 at Boston's Park Plaza Hotel. Nancy Venable Raine, author of *After Silence: Rape and My Journey Back*, will offer the keynote address. For information, call MOVA at (617) 727-5200.

Media Conference for Battered Women's Advocates

The Rhode Island Coalition Against Domestic Violence and the U.S. Department of Health and Human Services, Administration for Children and Families will sponsor the Media Matters Institute for domestic violence professionals from June 5-7 in Providence. Access www.ricadv.org or call (401) 467-9940 before April 15.

Program on Children and Traumatic Loss

The National Center for Death Education at Mount Ida College will host a program, July 11, on "Understanding the Impact of Trauma and Loss in the Lives of Children", featuring Stephanie Howard, Ph.D. For details call the National Center for Death Education at (617) 928-4649.

Interfaith Forum on Clergy and Advocate Respond to Sexual Assault

Jane Doe Inc. brings together clergy from all denominations and professionals from sexual assault programs for a discussion on Thursday, April 25, 1:30 to 4:00 p.m. at the Paulist Center in Boston. Call (617) 557-1824 for more information.

Psychological Trauma Conference

Boston University School of Medicine and The Trauma Center sponsor Psychological Trauma: Maturational Processes and Therapeutic Interventions, May 31-June 1 at the Radisson Hotel. Call (617) 626-9428 for more information.

28th Annual NOVA Conference

The National Organization for Victim Assistance holds its annual conference August 18-23 in Nashville, Tennessee. Call (202) 232-6682 or visit www.try-nova.org.

National Center for Victims of Crime Training Institute

The National Center for Victims of Crime brings its 2002 Training Institute to New England on November 5-6, 2002. Topics include teen victims, vicarious traumatization, terrorism, stalking, male survivors, and the state of victims' rights. The training takes place at the Quality Inn King's Grant in Danvers. Call (202) 467-8755 for more information.



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